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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/695,136	10/28/2003	Hideshi Tsuchida	Satoh C-33	6466

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EXAMINER

STRIMBU, GREGORY J

ART UNIT	PAPER NUMBER
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3634

DATE MAILED: 08/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/695,136

Applicant(s)

TSUCHIDA, HIDESHI

Examiner

Gregory J. Strimbu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 2 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1 and 2 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 October 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. ____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

Drawings

Figures 6-12 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.121(d)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

The drawings are objected to because figures 2-5, 7-13 do not include the proper cross sectional shading. For example, in figure 2 the molded portion is shown with a metal cross sectional shading but the molded portion does not comprise a metal. See MPEP 608.02. Additionally, the reference characters indicating the section lines should refer to the figure which shows the cross sectional view taken along the section line. For example, the reference characters "A-A" in figure 1 should be changed to --2-2-- to indicate that figure 2 shows the cross sectional view taken along the line. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is

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to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "7" has been used to designate both a molded portion of the present invention and a molded portion of the prior art. Additionally, reference character "5" has been used to designate both a partition of the present invention and a partition of the prior art and reference character "6" has been used to designate both a glass run of the present invention and a glass run of the prior art. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by

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the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

The abstract of the disclosure is objected to because it is too long. The abstract of the disclosure is objected to because: "both sides" on line 2 is confusing since it is unclear how both the partition and the glass run can be mounted on both sides of the center sash; because recitations such as "partitions at" on line 3 are grammatically awkward and confusing; recitations such as "thereof" on line 5 are confusing since it is unclear what element of the invention the applicant is referring to; recitations such as "the direction toward the center sash" on lines 7-8 are confusing since it is unclear what direction the applicant is attempting to set forth; recitations such as "clearance" on line 14 is confusing

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since it is unclear if the applicant is referring to the clearance set forth above or is attempting to set forth another clearance in addition to the one set forth above.

Finally, the reference characters in the abstract should be enclosed in parentheses to avoid confusion.

Correction is required. See MPEP § 608.01(b).

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed. It is suggested that the applicant amend the title to include the water receiver.

The disclosure is objected to because of the following informalities: the description of the die molded portions and the extruded portions on lines 18-21 of page 2 requires further explanation; on line 2 of page 2, "a" should be changed to --7-- to indicate which figures shows the section enclosed by the circle; recitations such as "D-D" on line 3 of page 2 should be changed to --8-8-- to indicate which figure shows the view taken along the section line; recitations such as "arts" on line 4 of page 8 are grammatically awkward and confusing.

Appropriate correction is required.

Claim Objections

Claim 1 and 2 are objected to because recitations such as "door glass" on line 2 of claim 1 require an article such as "the" or --a-- to avoid confusion.

Recitations such as "die-mold" on line 10 of claim 1 should be changed to --die-molded-- to agree with the other recitations in the claims.

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Claim 1 is objected to because it includes the reference character "c₁" which are not enclosed within parentheses.

Reference characters corresponding to elements recited in the detailed description of the drawings and used in conjunction with the recitation of the same element or group of elements in the claims should be enclosed within parentheses so as to avoid confusion with other numbers or characters which may appear in the claims. See MPEP § 608.01(m).

Appropriate correction is required.

Claim Rejections - 35 USC § 112

Claims 1 and 2 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Recitations such as "etc." on line 1 render the claims indefinite because it is not known what other types of vehicles is encompassed by the term.

Recitations such as "partitioning a door glass of a window" on lines 2-3 of claim 1 render the claims indefinite because it is unclear what the applicant is attempting to set forth. It appears that the glass retaining member separates two windows or two pieces of door glass rather than one implied by the recitation. Recitations such as "longitudinally provided" on line 3 of claim 1 render the claims indefinite because it appears that the retaining member is vertically provided rather than longitudinally provided. Recitations such as "and/or" on line 4 of claim 1 render the claims indefinite because it is unclear what is meant by the recitation "/" and it

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is unclear if the applicant is setting forth "and" or "or". Recitations such as "are mounted . . . glass-retaining member" on lines 5-6 of claim 1 render the claims indefinite because it is unclear how both the partition and the glass run can be mounted on both sides of the glass retaining member. Recitations such as "thin" on line 7 render the claims indefinite because they are relative terms whose meaning is not defined by the specification and cannot be determined by one with ordinary skill in the art. Recitations such as "thereof" on line 8 of claim 1 render the claims indefinite because it is unclear which element of the invention "thereof" is referring to. Recitations such as "the roofside" on line 8 of claim 1 render the claims indefinite because they lack antecedent basis. Recitations such as "the same" on line 12 of claim 1 render the claims indefinite because it is unclear what the applicant is attempting to set forth. Recitations such as "formed among" on line 16 of claim 1 and "the die-molded portion . . . glass-retaining member" on lines 17-18 of claim 1 render the claims indefinite because it is unclear what the applicant is attempting to set forth.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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Claims 1 and 2, as best understood by the examiner, are rejected under 35 U.S.C. 103(a) as being unpatentable over the admitted prior art in figures 6-11 and Akachi et al. The admitted prior art in figures 6-11 discloses a sealing structure of a hardtop vehicle in which a glass retaining member 4 partitioning a door glass of a window is longitudinally provided at a door, a partition 5 attached to the side edge of a fixed glass 2 and/or a glass run 6 through which the side edge of an elevating glass 3 is passed are mounted at both sides of the glass retaining member, a die molded portion 7 whose tip end is made thin is integrally formed at the upper edge thereof, a roofside weatherstrip 9 is provided at the roofside and resiliently brought into contact with the upper edge of the door glass and the die mold portion of the upper edge of the glass retaining member, and thereby carries out sealing the same. The admitted prior art of figures 6-11 is silent concerning a water receiver.

However, Akachi et al. discloses a sealing structure comprising a water receiver 44, 45 that goes along a glass retaining member 4 and is continuously formed and the lower end of the water receiver is made open in a door panel which is lower than the belt line as shown in figure 1.

It would have been obvious to one of ordinary skill in the art to provide the admitted prior art in figures 6-11 with a water receiver, as taught by Akachi et al., to ensure the proper routing of water away from the interior of the vehicle.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Hasegawa et al., Terasawa et al., Stolarczyk, Hosea et

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al., Kisanuki, Kogiso et al. and Seino et al. are cited for disclosing a water receiver.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory J. Strimbu whose telephone number is 703-305-3979. The examiner can normally be reached on Monday through Friday 8:00 to 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on 703-308-2486. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "Gregory J. Strimbu", with a long horizontal flourish extending to the right.

Gregory J. Strimbu
Primary Examiner
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August 9, 2004